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Application No. 03 784 603.7 - 2221 ✓	Ref. OF18-19775.1/jb ✓	Date 04.03.2009
Applicant Toyomaru Sangyo Kabushiki Kaisha		

Communication pursuant to Article 94(3) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC. One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).



Lavin Liermo, Jesus
Primary Examiner
For the Examining Division

Enclosure(s): 5 page/s reasons (Form 2906) ✓
3 documents (see CDOC)

The examination is being carried out on the **following application documents**:

Description, Pages

2, 4-10, 14-51	as originally filed			
3, 3a	received on	07.10.2008	with letter of	06.10.2008
1, 11-13	received on	12.02.2009	with letter of	12.02.2009

Claims, Numbers

1-15	received on	12.02.2009	with letter of	12.02.2009
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Drawings, Sheets

1/24-24/24	as originally filed
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- 0). The division discussed on the claims on file. It was found out that most of the features of the claims refer to the well-known operation of transponders, wireless IC cards returning the ATR number or RFID tags. Said well-known operation of any of the mentioned devices (either transponders, or wireless IC cards returning the ATR number or RFID tags) anticipate all the features of claim 1 with the exception of "IC tag attached to the covering member" / "determining that the covering number is removed from the encapsulating member". Said distinguishing features solve no technical problem because said known devices detect per se presence in a predetermined zone or environment, and if a tag leaves a predetermined zone, no answer is provided from said tag. In view thereof none of the features of the claims can serve as basis for an allowable independent claim.

As follows, a more detailed argumentation is provided.

- 1). The following documents were cited by the examiner (see Guidelines C-VI, 8.2 and 8.3). A copy of the documents is annexed to the communication:

D10 : EP-A-874335 ✓

D11 : WO-A-9905658 ✓

D12: US-A-6249227 ✓

- 2). Claim 1 does not fulfil the requirements of Art. 56 EPC.

D10 discloses a machine (1) comprising a member (claim 1 "Baugruppen") and a monitoring system (21, 18, 19) having an IC tag (21 "Transponder") attached on the member (claim 1 "Baugruppen mit einem Transponder") and an IC tag monitoring device (figure 2) that makes communication with the IC tag (21) (claim 1), wherein said IC tag (21) stores identification data that is used for distinguishing the IC tag from other IC tags (column 4 lines 35-38 "Neben der Speicherung der Identitätscodierung des Fahrausweisautomaten 1 sind die Transponder 21 selbst zum Senden und Empfangen von Daten geeignet"), and said IC tag monitoring device includes a transmission circuit that transmits a calling wave for calling said IC tag, a reception circuit that receives a reflected wave returned from said IC tag, an antenna that is connected to said transmission circuit and said reception circuit, and determination means for determining that an abnormality has occurred, if said reception circuit does not receive the reflected wave within a specified period of time since said transmission circuit transmits the calling wave and the communication becomes unavailable, or if said identification data contained in said reflected wave differs from registered data that is registered beforehand (this reflects the intrinsic operation of a transponder, namely a signal is sent and the transponder answers if the transponder is located within a predetermined area).

The following features of claim 1 are not anticipated by D10:

- (i) The machine is a game machine,
- (ii) machine comprises an encapsulating member having a covering member,
- (iii) determining in that the covering member is removed from the encapsulating member.

No technical problem is solved by feature (ii) because merely it is indicated the kind of machine being monitored.

Relating features (li-iii) it has to be mentioned that D10 tracks the transponder attached to a device ("Baugruppe"). The application indicates that the transponder is attached to a covering member and abnormality occurs once the covering member is not detected. The division could not appreciate that any technical difference between D10 and the application because D10 Figure 3 discloses in fact that 21 (transponder) is mounted on the outer part of 9 ("Baugruppe"). There is no technical difference between locating the transponder on the outer surface of a device (D10) or locating the transponder on the covering.

The subject-matter of claim 1 does therefore not involve an inventive step (Art. 56 EPC).

3). A further argumentation renders claim 1 obvious.

D11 discloses device (page 5 line 25 "article") comprising an encapsulating member having a covering member (page 5 line 25 "packaging for an article") and a monitoring system (24, 26, 28, 30) having an IC tag (10)(page 4 line 23 "radio frequency identification tags") attached on the covering member (page 5 lines 24-25 "Each tag is associated with, and attached to,....packaging for an article") and an IC tag monitoring device that makes communication with the IC tag, wherein said IC tag stores identification data that is used for distinguishing the IC tag from other IC tags(page 5 lines 1-14), and said IC tag monitoring device includes a transmission circuit (24) that transmits a calling wave for calling said IC tag(10) (page 5 lines 1-14)(see figure 2), a reception circuit (26) that receives a reflected wave returned from said IC tag (page 10 line 21-page 11 line 3 "passive resonant radio frequency...Power for the tag is derived from the antenna 14"), an antenna (28) that is connected to said transmission circuit (24) and said reception circuit (26), and determination means for determining that an abnormality has occurred if said reception circuit does not receive the reflected wave within a specified period of time since said transmission circuit transmits the calling wave and the communication becomes unavailable, or if said identification data contained in said reflected wave differs from registered data that is registered beforehand (claim 1 step b, if the tag is within the area a response is given, if not no response is given).

The following features of claim 1 are not anticipated by D11:

- (ki) the device is a gaming machine,
- (kii) determining that the covering member is removed from the encapsulating member.

The arguments provided above for features (l-lii) apply also to features (k-ki).

The subject-matter of claim 1 does therefore not involve an inventive step.

- 4). A further argumentation renders claim 1 obvious.

D12 discloses device comprising an encapsulating member having a covering member (column 11 lines 28-33 "non-packaged RFID IC chip (not shown) may be directly mounted to the substrate 426 and bonded to the antenna 428. The non-packaged RFID IC chip may be coated with an encapsulant, such as a "glob-top" epoxy, or the like and/or laminated with a laminate to protect the chip and") a monitoring system (112) having an IC tag (114, 200) attached on the covering member (column 11 lines 28-33 "non-packaged RFID IC chip (not shown) may be directly mounted to the substrate 426 and bonded to the antenna 428. The non-packaged RFID IC chip may be coated with an encapsulant, such as a "glob-top" epoxy, or the like and/or laminated with a laminate to protect the chip and") and an IC tag monitoring device that makes communication with the IC tag (column 5 line 66-column 6 line 26), wherein said IC tag stores identification data that is used for distinguishing the IC tag from other IC tags (column 9 lines 13-15 "it will typically contain only a unique identification number and perhaps some information about the circuit board 300 being identified"), and said IC tag monitoring device includes a transmission circuit (116) that transmits a calling wave for calling said IC tag, a reception circuit (118) that receives a reflected wave returned from said IC tag (column 5 line 66-column 6 line 26), an antenna (124) that is connected to said transmission circuit and said reception circuit (see figure 1), and determination means for determining that an abnormality has occurred in , if said reception circuit does not receive the reflected wave within a specified period of time since said transmission circuit transmits the calling wave and the communication becomes unavailable, or if said identification data contained in said reflected wave differs from registered data that is registered beforehand (column 14 lines 42-50 "**The system RF transponder 514 may be utilized to detect unauthorized removal of electronic devices 518 (or components 522 and elements 520) from the system 500 (via RF communication with device,**

component, and/or element level RF transponders").

The applicant is informed that the font in bold letters contain a pointer to a covering member of the electronic devices 518, namely "elements".

The distinguishing features are also those of D11 and the same arguments apply as for D11 to D12.

The subject-matter of claim 1 does therefore not involve an inventive step (Art. 56 EPC).

- 5). The arguments previously on file are maintained.
- 6). None of the supplementary features of claims 2-14 seem to serve as basis for an allowable independent claim because they refer to either commonplace technical features or to non-technical features solving no technical problem.
- 7). At least some of the objections raised above are such that there appears to be no possibility of overcoming them by amendment. Refusal of the application under Article 97(2) EPC is therefore to be expected.

In order to save costs (c.f. Guidelines E-III,4) the applicant is reminded of the possibility to request an appealable decision according to the state of the file, cf. Guidelines E-X 4.4. If the applicant wishes to have such an appealable decision the request should be submitted in written form and accompanied by a withdrawal of the request of oral proceedings.
